

### **REMARKS**

This Amendment is fully responsive to the final Office Action dated July 16, 2007, issued in connection with the above-identified application. A request for continued examination (RCE) accompanies this Amendment. Claims 1, 5, 6 and 14-20 are pending in the application. With this Amendment, claims 1 and 14-17 have been amended. No new matter has been introduced by this Amendment. Entry and reconsideration of the Amendment are respectfully requested.

At the outset, the Applicants thank Examiner Mui for granting an interview with the Applicants' representative on October 9, 2007. During the interview, the possibility of amending the independent claims to distinguish over the cited references was discussed. In particular, the Applicants' representative suggested amending the independent claims to include an additional storing unit or step for storing a common predetermined value that is common to communication devices.

During the Interview, it was also suggested that the independent claims be amended to point out that the judging unit or step, and the communication unit and step of the present invention use the stored common predetermined value to perform their claimed judging and communication operations. At the conclusion of the interview, it was agreed that the suggested claim amendments to independent claims 1 and 14-17 would likely distinguish the claims over the cited prior art. However, the Examiner did indicate that further search and consideration would be necessary before making a final determination regarding the allowability of the claims.

In the Office Action, claims 1 and 14-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Beaumont et al. (U.S. Patent No. 6,959,333, hereafter "Beaumont") in view of Banerjee et al. (U.S. Publication No. 2003/0231629, hereafter "Banerjee". The Applicants traverse this rejection for at the reasons noted below.

The Applicants have amended independent claims 1 and 14-17 consistent with the recommendations made during the telephone interview of October 9, 2007. Specifically, as amended, independent claim 1 recites the following:

"[A] communication device for performing transmission and reception of a content with another communication device having a setting unit that sets a time-to-live of an IP packet for transmitting to a predetermined value, the communication device comprising:

a storage unit operable to store therein a common predetermined value that is common to the communication device and the other communication device; ...

a judging unit operable to judge whether the acquired time-to-live is less than or equal to the common predetermined value stored in the storage unit; and

a communication unit operable to conduct content transmission/reception with the other communication device only when said judging unit has judged that the acquired time-to-live is less than or equal to the common predetermined value stored in the storage unit, and to not conduct content transmission/reception with the other communication device when said judging unit has judged that the acquired time-to-live is not less than or equal to the common predetermined value stored in the storage unit” (emphasis added).

The cited prior art fails to disclose or suggest at least the features emphasized above for the storing unit, judging unit and communication unit of the present invention. The storing unit, judging unit and communication unit of the present invention use the common predetermined value to make a judgment regarding the performance of content transmission/reception processing between communication devices.

Independent claims 14-17 have been amended to similarly recite the emphasized features noted above in independent claim 1. Additionally, the features added to independent claims 1 and 14-17 are fully supported by the Applicants’ disclosure (see e.g., page 17, lines 6-8; and page 26, lines 6-8).

Beaumont discloses a technique for content delivery over the Internet that includes at least two content delivery servers and a preference database for storing an estimated distance between content servers. In Beaumont, a time-to-live (TTL) value is assigned to a content server as a function of the estimated distance of the content server to a client. However, Beaumont is silent with regard to storing a common predetermined value that is common to the communication device and the other communication device, as recited in independent claims 1 and 14-17. Additionally, Beaumont fails to disclose or suggest making a judgment with regard to suppressing transmission/reception processing based on a comparison between the common predetermined value and the TTL, also recited in independent claims 1 and 14-17.

Thus, the present invention, as recited in independent claims 1 and 14-17, is clearly distinguishable over Beaumont. Specifically, Beaumont teaches distributing content after determining the closest server based on the TTL value wherein the present,

as recited in claims 1 and 14-17, is directed to suppressing content transmission/reception processing under certain conditions.

Moreover, after a detailed review of Banerjee, the reference fails to overcome the deficiencies noted above in Beaumont. Banerjee discloses a system and method for gathering multicast content data, which includes the use of a TTL value. Specifically, each time a router forwards a packet, the packet TTL value is decremented. A packet whose TTL value reaches zero is eventually dropped, without sending an error notification to the sender (see Banerjee, ¶0019). Conversely, in the present invention (as recited in claims 1 and 14-17), the judgment unit or step does not compare an IP packets TTL value with the common predetermined value to discard an IP packet, but rather determines whether to conduct or suppress transmission/reception processing with a communication device that originally transmitted the packet. Thus, the system and method in Banerjee appear to be quite different from the present invention recited in claims 1 and 14-17.

As discussed above, Beaumont fails to disclose or suggest all the features recited in independent claims 1 and 14-17, as amended. Additionally, Banerjee fails to overcome the deficiencies noted above in Beaumont. Accordingly, the combination of Beaumont and Banerjee would not result in, or otherwise render obvious, the present invention recited in claims 1 and 14-17.

In the Office Action, claims 5, 6 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Beaumont and Banerjee, and further in view of Joyner et al. (U.S. Publication No. 2003/010825, hereafter “Joyner”). The Applicants traverse this rejection for at least the reasons noted below.

The Applicants maintain that the amendments made to independent claim 1 are also sufficient to overcome the rejection to claims 5, 6 and 20.

Claims 5, 6 and 20 depend from claim 1. As discussed above, Beaumont and Banerjee do not disclose or suggest all the features of claim 1. Additionally, Joyner does not overcome the deficiencies of Beaumont and Banerjee. Accordingly, no obvious combination of Beaumont, Banerjee and Joyner would result, or otherwise render obvious, the features recited in claim 1; from which claims 5, 6 and 20 depend.

In the Office Action, claims 18 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Beaumont and Banerjee, and further in view of

Ishiguro et al. (U.S. Publication No. 2003/0105956, hereafter "Ishiguro"). The Applicants traverse this rejection for at least the reasons noted below.


Again, the Applicants maintain the amendments made to independent claim 1 are also sufficient to overcome the rejection to claims 18 and 19. Claims 18 and 19 depend from claim 1. As discussed above, Beaumont and Banerjee fail to disclose or suggest all the features of claim 1. Additionally, Ishiguro does not overcome the deficiencies noted above in Beaumont and Banerjee. Therefore, the combination of Beaumont, Banerjee and Ishiguro would not result in, or otherwise render obvious, the present invention recited in claim 1; from which claims 18 and 19 depend.

In view of the above amendments and remarks, it is submitted that claim 1, 5, 6, and 14-20 are allowable over the prior art of record, and that the present application is therefore in condition for allowance.

The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Yuusaku OHTA et al.

By: 

Mark D. Pratt  
Registration No. 45,794  
Attorney for Applicants

MDP(JRF)/ats  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
October 12, 2007